

09 / 582 258

#3

## CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being transmitted therewith) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

Mary P. Acton

(Name of Person Mailing Paper)

Date: 21 Nov. 2000

Mary P. Acton

(Signature of Person Mailing Paper)

PATENT

ATTORNEY DOCKET NO.: 051480-5024

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : )

Joachim MELBERT, et al. )

U.S. Application No.: 09/582,258 )

Group: Unassigned

Filed: June 23, 2000 )

Examiner: Unassigned

For: DEVICE FOR CONTROLLING AN )  
ELECTROMECHANICAL REGULATOR )

## BOX PCT

Commissioner for Patents

Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 USC 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed July 21, 2000.

A copy of the Notification of Missing Requirements (Form PCT/DO/EO/905) is enclosed.

2. Declaration Or Oath

[X] No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.

11/28/2000 ERIMAND0 00000058 09582258

01 FC:154

130.00 OP

02 FC:117

890.00 OP

☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

☐ Also enclosed is the Verification of Translation Document

4. Small Entity Statement(s)

☐ Verified Statement(s) that this is a filing by a small entity

☐ is attached

☐ was filed on \_\_\_\_\_.

5. Fee Calculation

Basic Fee: PCT Application-\$840.00				
	Number Filed	Number Extra	at a Rate of	
Total Claims	10-20 =	0	\$18.00 each =	+\$0.00
Independent Claims	1- 3 =	0	\$78.00 each =	+\$0.00
Multiple dependent claim(s), if any			\$260.00	+\$0.00
Missing Requirements Surcharge Fee			\$130.00	\$130.00
<b>SUB-TOTAL =</b>				\$130.00
Fee For Application Filed With A Non-English Specification (37 CFR 1.17(k) and 1.52(d))			\$130.00	+
Fee For Processing and retention of application (37 CFR 1.21(l) and 1.53(d))			\$130.00	+
<b>TOTAL FILING FEE =</b>				<b>\$130.00</b>

## 6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☒ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Total months requested</u>	<u>Fee for extension</u>	<u>[fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 390.00	\$195.00
<input checked="" type="checkbox"/> three months	\$ 890.00	\$445.00
<input type="checkbox"/> four months	\$1,390.00	\$695.00
<input type="checkbox"/> five months	\$1,890.00	\$945.00

Extension of time fee due with this request: \$890.00

If an additional extension of time is required, please consider this a Petition therefor.

☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## 7. Fee Payment

The total fee due is:	Completion Fees	<u>\$130.00</u>
	Extension Fees	<u>\$890.00</u>
	Total Fee Due	<u>\$1020.00</u>

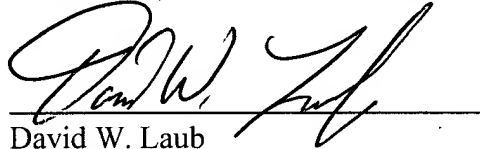
☒ Two checks totalling \$1,060.00 (representing filing fee of \$1,020.00 and \$40.00 for Recordation of Assignment fee) are being submitted.

☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

8. Additional papers enclosed.
- ☒ Assignment and Assignment Recordation Coversheet (along with check for \$40.00 for filing fee.
  - ☐ Preliminary Amendment
  - ☐ Information Disclosure Statement
  - ☐ Form PTO-1449, \_\_\_\_\_ as listed
  - ☐ Declaration of Biological Deposit
  - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



David W. Laub  
Reg. No. 38,708

Date: 2/1 Nov 2006

**Customer No. 009629**

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JUL 28

MORGAN LEWIS &amp; BOCKIUS



## UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

09/582258

09/582,258

MELBERT

J

051480-5024

U.S. APPLICATION NO.

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

5071

MORGAN LEWIS & BOCKIUS  
1800 M STREET NW  
WASHINGTON DC 20036

URGENT

PCT/DE98/03787  
INTERNATIONAL APPLICATION NO.

I.A. FILING DATE

PRIORITY DATE

DATE MAILED:

07/21/00

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

- ☒ a non-English language.  
☐ English.

☒ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☐ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed June 23, 2000 and

☒ Information Disclosure Statement(s) filed June 23, 2000 and

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed

☐ Verified Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice *MUST* be returned with this response.**

Enclosed:

☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Docketed 7-21-00 Attorney DWL/SJM  
Case 51480-5024  
Due Date 8-21-00  
Action Missing Requirement  
By SOW Chk PSB

Telephone: 703 308-9116